

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 2-6 and 8-15 have been rejected under 35 U.S.C. § 112, second paragraph, as being vague and indefinite; Claims 1, 2, 8-12 and 15 have been rejected under 35 U.S.C. § 102 as being anticipated by Kami; and Claims 3-6 and 13-14 have been rejected under 35 U.S.C. § 103 as being unpatentable over Kami. Claims 7 and 16, being non-elected, have been canceled, without prejudice, and thus, Claims 1-6 and 8-15 remain active.

Considering first then the rejection of Claims 2-6 and 8-15 under 35 U.S.C. § 112, second paragraph, it is to be noted that the claims have now been amended for closer compliance with U.S. patent practice and procedure and now claims the reservoir tank as being positionable in an upper portion of an engine compartment of a vehicle and thus serves to claim the reservoir and associated structure without being claimed in combination with the vehicle itself. Thus the scope of the claim is broader than the combination referred to by the Examiner in the rejection.

Next considering then the rejection of Claims 1-2, 8-12 and 15 under 35 U.S.C. § 102 as being anticipated by Kami, Applicants note that Kami is limited to teachings and disclosures of a rear chassis system for a fuel tank of a motor vehicle and thus significantly differs from Applicants' claimed reservoir tank which is positionable at an upper portion of an engine compartment of a vehicle and Kami clearly does not teach an attaching or connecting portion which is configured so that the tank is movable when the tank receives an impact force larger than a predetermined value. More particularly, the object of the present invention is to permit the reservoir tank so as to be movable when an impact force strikes the same upon positioning of the reservoir tank at an upper portion of an engine compartment of a vehicle. To the contrary, the chassis system shown in Kami is specifically located in a rear,

lower portion of a vehicle and the structure associated with the fuel tank is utilized to make the mounting thereof less rigid so as to better ensure sufficient mechanical strength and rigidity without sacrificing the capacity of the fuel tank and without increasing the weight of the chassis structure. Thus, since the structure and functioning and location of such structure in Kami is completely different than that of the present invention as now claimed, it is submitted that each of independent Claims 1, 8, 11, 12 and 15 patentably define over Kami as well as the remaining references of record. Each of the claims dependent from the above-noted independent claims also contain additional limitations which, it is submitted, have no corresponding teaching or disclosure in Kami. In view of this and based upon the dependency of such claims from the above-noted independent claims, it is submitted that such dependent claims also merit indication of allowability.

Considering next then the rejection of Claims 3-6 and 13-14 under 35 U.S.C. § 103 as being unpatentable over Kami, it is submitted that the structure shown in each of Claims 3-6 and 13-14 has no corresponding teaching in Kami. In view of this and in view of the fact that the structure shown in Kami does teach a tank positionable at an upper portion of an engine compartment of a vehicle, it is submitted that Claims 3-6 and 13-14 also merit indication of allowability.

In view of the foregoing, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

Respectfully submitted,

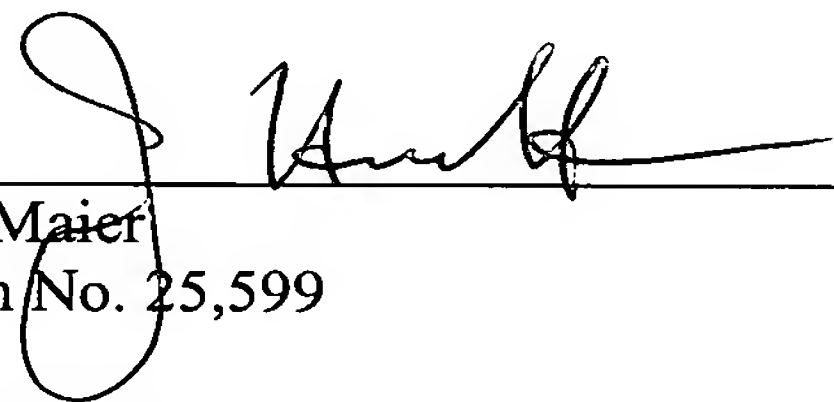
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